

REMARKS

Prior to this Response, claims 1-7, 9-13, 15, 17-19 and 21 were pending in this application. Claims 1, 10, and 18 have been amended. Claims 4 and 12 have been canceled. Claims 22-25 have been added. Therefore, claims 1-3, 5-7, 9-11, 13, 15, 17-19, 21 and 22-25 are presented for examination. Applicant respectfully requests reconsideration of the application in view of the amendments and the following remarks.

Claim Objections

In the Final Office Action dated 6/23/04, claims 4 and 12 were objected to claims 4 and 12 under 37 CFR 1.75(c) as being of improper dependant form for failing to further limit the subject matter of a previous claim. Claims 4 and 12 have been canceled. Therefore, Applicant respectfully requests the objection to these claims be withdrawn.

35 U.S.C. 102(b) Rejection, Kudoh et al.

The Final Office Action rejected claim 1 as being anticipated by U.S. Patent No. 5,726,642 to Kudoh et al. (hereinafter "Kudoh"). Applicant respectfully traverses as Kudoh fails to teach all of the recitations of claim 1 as amended.

Claim 1 recites upon determining the pagee has not responded for a predetermined period of time, automatically activating a message-waiting indicator associated with the pager. Kudoh discloses a radio receiver with an alarming function which alarms with one alarm if there are no unread messages in the radio receiver's message memory and with a second alarm if there are unread messages in the radio receiver's message memory. Kudoh, col. 7, ll. 37-43. However, in contrast to claim 1, the alarm activation is triggered by the receipt of a new message. Id., col. 5, ll. 65-66. Thus, Kudoh fails to disclose activating a message waiting indicator associated with a pager upon determining the pagee has not responded for a predetermined period of time. Applicants therefore respectfully submit that claim 1 is allowable.

35 U.S.C. 103(a) Rejection, Gorday et al., LaPorta et al.

The Final Office Action rejected claims 1-13, 15, 17-19 and 21 as being unpatentable over U.S. Patent No. 5,703,570, Gorday et al. (hereinafter "Gorday") in view of U.S. Patent No. 5,974,300, LaPorta et al. (hereinafter "LaPorta"). Applicants respectfully traverse as the references fail to teach or suggest all of the recitations of these claims as amended.

Claim 1 recites, in pertinent part, upon determining the pagee has not responded to the page for a predetermined time period, converting the page to a message in a communication mode agnostic format. Applicants respectfully submit that both Gorday and LaPorta fail to teach or suggest these recitations of claim 1. Accordingly, Applicants respectfully submit that claim 1, and its dependent claims 2-3 and 5-9 are allowable.

Claim 10 recites "converting a the page to a message away from the second location." The second location was the location to which the page was wirelessly sent to the pager. The Office Action stated this is disclosed by passages in Gorday which state that the system controller may be used to transmit voice messages, alphanumeric messages, response messages, and unsolicited messages. Gorday, col. 3, ll. 60-65; col. 5; ll. 11-16. However, Applicant can find no mention in these passages or the remaining disclosure of Gorday of converting the page received from the pagor to a message at a location other than the location of the pager. Accordingly, Applicant respectfully submits that claim 10 is allowable. Claim 18 also contains recitations similar to claim 10 and is believed to be allowable for at least the same reasons. Claims 13, 15, 17, 19, and 21 depend from claim 10 or claim 18 and are believed to be allowable for at least the same reasons.

REQUEST FOR A TELEPHONE INTERVIEW

If there remain any issues of allowance with this Application, Applicant earnestly requests the Examiner telephone the undersigned at 303-571-4000.

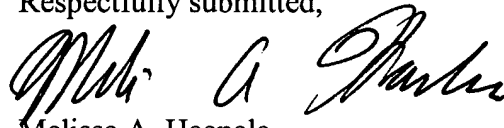
Appl. No. 09/940,767
Amdt. dated September 23, 2004
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Respectfully submitted,



Melissa A. Haapala
Reg. No. 47,622

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300

M2H:nlm
60315999 v1